

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

Antonio Silot,  
Plaintiff,

v.

Calvin Anderson and  
Dove Equipment, LLC,  
Defendants.

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Civil Action No. \_\_\_\_\_

**EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

Antonio Silot,  
Plaintiff,

v.

Calvin Anderson and  
Dove Equipment, LLC,  
Defendants.

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Civil Action No. \_\_\_\_\_

**INDEX OF STATE COURT DOCUMENTS**

Defendants file this Index of State Court Documents, and attach hereto the following:

1. Plaintiff's Original Petition and Jury Demand;
2. Citation Issued to Calvin Anderson;
3. Citation Issued to Dove Equipment, LLC, by serving its registered agent, Raul Garza;
4. Confirmation of mailing Citation to Calvin Anderson by Certified Mail, Return Receipt Requested;
5. Confirmation of mailing Citation to Dove Equipment, by serving its registered agent, Raul Garza, by Certified Mail, Return Receipt Requested;
6. Defendants Motion to Transfer Venue;
7. Defendants Original Answer Subject to Their Motion to Transfer Venue;
8. Defendants Jury Demand Subject to Their Motion to Transfer Venue; and
9. Defendants First Amended Answer Subject to Their Motion to Transfer Venue

**Exhibit A**

Respectfully submitted,

SHELTON & VALADEZ, P.C.  
600 Navarro, Suite 500  
San Antonio, Texas 78205  
(210) 349-0515 Telephone  
(210) 349-3666 Facsimile

By: /s/ Robert A. Valadez

Robert A. Valadez, Attorney-in-Charge  
State Bar No. 20421845  
[rvaladez@shelton-valadez.com](mailto:rvaladez@shelton-valadez.com)  
David L. Jones  
State Bar No. 24002370  
Federal ID No. 360459  
[djones@shelton-valadez.com](mailto:djones@shelton-valadez.com)

COUNSEL FOR DEFENDANTS  
CALVIN ANDERSON AND  
DOVE EQUIPMENT, LLC.

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and foregoing is being electronically filed and served in accordance with the FEDERAL RULES OF CIVIL PROCEDURE on the 30<sup>th</sup> day of January, 2017, to counsel of record as follows:

Wayne Colodny  
Tom Rhodes Law Firm, P.C.  
126 Villita Street  
San Antonio, Texas 78205  
[wcolodny@tomrhodeslaw.com](mailto:wcolodny@tomrhodeslaw.com)

/s/ Robert A. Valadez  
Robert A. Valadez

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

Antonio Silot,  
Plaintiff,

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Civil Action No. \_\_\_\_\_

**ATTACHMENT 1**

Electronically Filed  
12/22/2016 11:43:54 AM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

NO. C-5662-16-J

ANTONIO SILOT

vs.

CALVIN ANDERSON and  
DOVE EQUIPMENT, LLC

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IN THE DISTRICT COURT

\_\_\_\_\_ JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

PLAINTIFFS ORIGINAL PETITION AND JURY DEMAND

TO THE HONORABLE COURT:

NOW COMES, Plaintiff, ANTONIO SILOT complaining of Defendant CALVIN ANDERSON and Dove Equipment, LLC and files this Plaintiff's Original Petition and Jury Demand and would show onto this Honorable Court the following:

I.

This suit is filed pursuant to Level Two. Plaintiff is a resident of the State of Pennsylvania.

Defendant CALVIN ANDERSON is an individual who should be served by Certified Mail/Return Receipt Requested sent to his residence of 908 South Patterson Street, Lebanon, Indiana 46502 or wherever he may be located.

Defendant DOVE EQUIPMENT, LLC is a Texas company located in San Juan, Texas that should be served by Certified Mail/Return Receipt Requested to its Registered Agent, Raul Garza, P.O. Box 658, San Juan, Texas 78589-06587.

II.

Venue is proper in Hidalgo County as Defendant Dove Equipment, LLC's principal place of business is located in San Juan, Hidalgo County, Texas. Furthermore, the damages

A true copy I certify  
LAURA HINOJOSA  
District Clerk, Hidalgo County, Texas

By \_\_\_\_\_ Deputy #17

C-5662-16-J

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Hidalgo County District Clerks  
Reviewed By: Leticia Silva

sought are within the jurisdictional limits of this Honorable Court. Pursuant to Rule 47, Plaintiff hereby states that he is seeking monetary damages in an amount that is greater than \$200,000 but less than \$1, 000,000.00 (unless the jury awards more than such amount upon hearing the evidence).

### III.

On or about December 24, 2014, Plaintiff Antonio Silot suffered injuries and damages as a result of a collision caused by Defendant Calvin Anderson. Such collision was proximately and solely caused by Defendant Calvin Anderson who was operating a tractor trailer in a negligent manner. The tractor-trailer was owned by Defendant Dove Equipment, LLC and entrusted to Defendant Calvin Anderson. The Plaintiff was asleep in the cab of a tractor that was parked at in the parking lot of the Pilot Travel Center. His vehicle was suddenly and without warning struck by a 2008 Kenworth Export that was towing a Heil trailer. Defendant Calvin Anderson was either in the employment or was an agent of Dove Equipment which was the owner of the tractor-trailer. The vehicle was entrusted to Calvin Anderson by Dove Equipment, LLC even though it knew or should have known he was a reckless and unsafe driver.

Although having a duty to operate said vehicle in a safe and lawful manner, Defendant Calvin Anderson's actions and/or omissions breached that duty by failing to exercise reasonable ordinary care in one or more of the following particulars which proximately caused the incident made the basis of this suit:

- \* Inattention;
- \* Failure to take evasive action;
- \* Turned improperly;
- \* Oversized Load;

C-5662-16-J

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Defendant Dove Equipment, LLC was the owner of the tractor-trailer and the employer of Calvin Anderson and was negligent pursuant to the theories of agency, negligent entrustment and Respondeat Superior.

IV.

As a proximate result of the incident made the basis of this suit, Plaintiff Antonio Silot suffered personal injuries and damages for which suit is now brought, specifically including:

- \* Reasonable and necessary medical expenses in the past as well as medical expenses for any and all treatment required in the future;
- \* Past/future physical impairment and loss of earning capacity in an amount to be determined by a jury;
- \* Past/future physical pain, suffering and mental anguish in an amount to be determined by a jury.

V.

It is respectfully requested that the Court and Jury determine the amount that will fairly and adequately provide compensation for the recovery of damages described above which exceed the minimum jurisdictional limits of this Honorable Court.

WHEREFORE, PREMISES CONSIDERED, prayer is made that Defendants Calvin Anderson and Dove Equipment, LLC be cited to appear and answer and that, upon final hearing, Plaintiff Antonio Silot recover from Defendants Calvin Anderson and Dove Equipment, LLC the damages set forth above, along with all costs of court, all pre judgment and post judgment interest, as well as such further relief, both general and special, at law or in equity, to which Plaintiff may be justly entitled whether specifically prayed for or not.

C-5662-16-J

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12/22/2016 11:43:54 AM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

Respectfully submitted,

/S/Wayne Colodny

WAYNE COLODNY

SBN: 04626440

TOM RHODES LAW FIRM P.C.

126 Villita Street

San Antonio, Texas 78205

Telephone No.: (210) 225-5251

Facsimile No.: (210) 225-6545

wcolodny@tomrhodeslaw.com

ATTORNEY FOR PLAINTIFF



IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

Antonio Silot,  
Plaintiff,

v.

Calvin Anderson and  
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Civil Action No. \_\_\_\_\_

**ATTACHMENT 2**

**C-5662-16-J**  
**430TH DISTRICT COURT, HIDALGO COUNTY, TEXAS**

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**CITATION**

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**THE STATE TEXAS**

**NOTICE TO DEFENDANT:** You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you.

**Calvin Anderson**  
**908 South Patterson Street**  
**Lebanon IN 46502**

You are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION AND JURY DEMAND at or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable 430th District Court of Hidalgo County, Texas at the Courthouse, 100 North Closner, Edinburg, Texas 78539.

Said Petition was filed on this the 22nd day of December, 2016 and a copy of same accompanies this citation. The file number and style of said suit being, **C-5662-16-J, ANTONIO SILOT VS. CALVIN ANDERSON, DOVE EQUIPMENT, LLC**

Said Petition was filed in said court by Attorney WAYNE COLODNY, 126 VILLITA STREET, SAN ANTONIO, TEXAS 78205.

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

**ISSUED AND GIVEN UNDER MY HAND AND SEAL** of said Court at Edinburg, Texas on this the 29th day of December, 2016.

**LAURA HINOJOSA, DISTRICT CLERK**  
**100 N. CLOSNER, EDINBURG, TEXAS**  
**HIDALGO COUNTY, TEXAS**

  
**TIMOTHY RAMIREZ DEPUTY CLERK**



DATE

1-22-17  
A true copy I certify

**LAURA HINOJOSA**  
District Clerk, Hidalgo County, Texas

By  Deputy #17

CERTIFIED MAIL 9214 8901 0661 5400 0100 3732 22

**CERTIFICATE OF RETURN  
UNDER RULES 103 T.R.C.P.**

This is to certify that on this the 29th day of December, 2016 I, Timothy Ramirez, Deputy Clerk of the 430th District Court of Hidalgo County, Texas mailed to the defendant in Cause Number C-5662-16-J, Antonio Silot VS. Calvin Anderson, Dove Equipment, LLC a copy of the citation along with a copy of the petition by certified mail return receipt requested. Return receipt was returned on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_ (or unserved for the reason on the certificate return) \_\_\_\_\_.

**GIVEN UNDER MY HAND AND SEAL OF SAID COURT**, at office in Edinburg, Texas on this the 29th day of December, 2016.

**LAURA HINOJOSA, DISTRICT CLERK  
HIDALGO COUNTY, TEXAS**

\_\_\_\_\_  
**TIMOTHY RAMIREZ, DEPUTY CLERK**

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,  
CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_ and the address is \_\_\_\_\_, and I declare under penalty of perjury that the foregoing is true and correct.

**EXECUTED** in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**Declarant"**

\_\_\_\_\_  
**If Certified by the Supreme Court of Texas  
Date of Expiration / SCH Number**

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

Antonio Silot,  
Plaintiff,

v.

Calvin Anderson and  
Dove Equipment, LLC,  
Defendants.

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Civil Action No. \_\_\_\_\_

**ATTACHMENT 3**

C-5662-16-J  
430TH DISTRICT COURT, HIDALGO COUNTY, TEXAS

CITATION

THE STATE TEXAS

**NOTICE TO DEFENDANT:** You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you.

Dove Equipment, LLC  
Registered Agent: RAUL GARZA  
PO Box 658  
San Juan TX 78589-06587

You are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION AND JURY DEMAND at or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable 430th District Court of Hidalgo County, Texas at the Courthouse, 100 North Closner, Edinburg, Texas 78539.

Said Petition was filed on this the 22nd day of December, 2016 and a copy of same accompanies this citation. The file number and style of said suit being, C-5662-16-J, ANTONIO SILOT VS. CALVIN ANDERSON, DOVE EQUIPMENT, LLC

Said Petition was filed in said court by Attorney WAYNE COLODNY, 126 VILLITA STREET, SAN ANTONIO, TEXAS 78205.

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

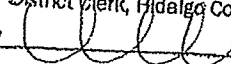
The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 29th day of December, 2016.

LAURA HINOJOSA, DISTRICT CLERK  
100 N. CLOSNER, EDINBURG, TEXAS  
HIDALGO COUNTY, TEXAS

  
TIMOTHY RAMIREZ DEPUTY CLERK



DATE 1-27-17  
A true copy I certify  
LAURA HINOJOSA  
District Clerk, Hidalgo County, Texas  
By  Deputy #17

CERTIFIED MAIL 9214 8901 0661 5400 0100 3734 13

**CERTIFICATE OF RETURN  
UNDER RULES 103 T.R.C.P.**

This is to certify that on this the 29th day of December, 2016 I, Timothy Ramirez, Deputy Clerk of the 430th District Court of Hidalgo County, Texas mailed to the defendant in Cause Number C-5662-16-J, Antonio Silot VS. Calvin Anderson, Dove Equipment, LLC a copy of the citation along with a copy of the petition by certified mail return receipt requested. Return receipt was returned on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_ (or unserved for the reason on the certificate return)

**GIVEN UNDER MY HAND AND SEAL OF SAID COURT**, at office in Edinburg, Texas on this the 29th day of December, 2016.

**LAURA HINOJOSA, DISTRICT CLERK  
HIDALGO COUNTY, TEXAS**

\_\_\_\_\_  
**TIMOTHY RAMIREZ, DEPUTY CLERK**

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,  
CONSTABLE OR CLERK OF THE COURT**

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"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_ and the address is \_\_\_\_\_, and I declare under penalty of perjury that the foregoing is true and correct.

**EXECUTED** in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Declarant"

\_\_\_\_\_  
**If Certified by the Supreme Court of Texas  
Date of Expiration / SCH Number**

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

Antonio Silot,  
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Civil Action No. \_\_\_\_\_

**ATTACHMENT 4**

12/29/2016

ConfirmDelivery.com

**Mail Piece Details**

Print this page

**Recipient Address**

CALVIN ANDERSON  
908 SOUTH PATTERSON STREET  
LEBANON, IN 46502

**Record / Case Number:**  
C-5662-16-J CITATION

**Mail Piece Information****Tracking Number:** 92148901066154000100373222**Date Created:** 12/29/2016 01:01:03 PM**Mail Class:** USPS First Class Mail**Special Services:** Certified Mail  
Return Receipt Electronic**Memo:** --**Created By:** Timothy Ramirez - Hidalgo County District Clerk**Return Address**

LAURA HINOJOSA  
HIDALGO COUNTY DISTRICT CLERK  
PO BOX 87  
EDINBURG, TX 78540-0087

**Tracking Information**

Mailed, December 29, 2016, 01:01:03 PM, EDINBURG, TX 78540

DATE

A true copy I certify

LAURA HINOJOSA

District Clerk, Hidalgo County, Texas

By

Deputy#17

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

Antonio Silot,  
Plaintiff,

v.

Calvin Anderson and  
Dove Equipment, LLC,  
Defendants.


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Civil Action No. \_\_\_\_\_

**ATTACHMENT 5**

12/29/2016

ConfirmDelivery.com

**Mail Piece Details** **Print this page****Recipient Address**

RAUL GARZA  
DOVE EQUIPMENT, LLC  
P.O. BOX 658  
SAN JUAN, TX 78589-6587

**Record / Case Number:**  
C-5662-16-J CITATION

**Mail Piece Information****Tracking Number:** 92148901066154000100373413**Date Created:** 12/29/2016 01:02:53 PM**Mail Class:** USPS First Class Mail**Special Services:** Certified Mail  
Return Receipt Electronic**Memo:** --**Created By:** Timothy Ramirez - Hidalgo County District Clerk**Return Address**

LAURA HINOJOSA  
HIDALGO COUNTY DISTRICT CLERK  
PO BOX 87  
EDINBURG, TX 78540-0087

**Tracking Information**

Mailed, December 29, 2016, 01:02:53 PM, EDINBURG, TX 78540

DATE

A true copy I certify

LAURA HINOJOSA

District Clerk, Hidalgo County, Texas

By

Deputy#17

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
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Antonio Silot,  
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Civil Action No. \_\_\_\_\_

**ATTACHMENT 6**

Electronically Filed  
1/23/2017 10:28:52 AM  
Hidalgo County District Clerks  
Reviewed By: Noel Cruz

CAUSE NO. C-5662-16-J

ANTONIO SILOT	§	IN THE DISTRICT COURT
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	§	
VS.	§	430 <sup>th</sup> JUDICIAL DISTRICT
	§	
	§	
CALVIN ANDERSON and	§	
DOVE EQUIPMENT, LLC	§	HIDALGO COUNTY, TEXAS

**MOTION TO TRANSFER VENUE**

Defendants, Dove Equipment, LLC and Calvin Anderson file this, their Motion to Transfer Venue and asks the Court to transfer this case from Hidalgo County to Bexar County because Hidalgo County is not a proper county for venue.

**INTRODUCTION**

1. Plaintiff, Antonio Silot sued Defendants in Hidalgo County for personal injuries related to a motor vehicle accident that occurred on or about December 24, 2014 at a Pilot Truck Stop in Bexar County Texas. Plaintiff makes claims of negligence against Defendant Anderson, and claims of agency, negligent entrustment and respondeat superior against Defendant Dove Equipment, LLC.

2. Defendant Anderson was the driver of one of the vehicles at the time of the accident and is a proper party to this lawsuit.

3. Defendant Dove Equipment, LLC owned the vehicle driven by Defendant Anderson, but had leased the vehicle in question to another entity. Dove Equipment was not the employer of Defendant Anderson at the time of the accident. As such, Dove Equipment, LLC is not a proper party in interest and its principal place of business cannot be a basis for venue.

DATE 1-27-17  
A true copy I certify  
LAURA HINOJOSA  
District Clerk, Hidalgo County, Texas  
By [Signature] Deputy #17

Electronically Filed  
1/23/2017 10:28:52 AM  
Hidalgo County District Clerks  
Reviewed By: Noel Cruz

#### **BACKGROUND**

4. On December 22, 2016, Plaintiff filed an original petition in Hidalgo County.
5. In the petition, Plaintiff pleaded the following venue facts: "Venue is proper in Hidalgo County as Defendant Dove Equipment, LLC's principal place of business is located in San Juan, Hidalgo County, Texas.
6. Dove Equipment, LLC has been improperly named as the employer of Defendant Anderson, and is not a proper party to this suit because Defendant did not employ or direct Mr. Anderson in any way. As such, the location of Dove Equipment is not a proper basis for venue in this suit.

#### **ARGUMENT & AUTHORITIES**

##### **A. Venue is improper in Hidalgo County.**

9. Venue for this case is improper in Hidalgo County because no proper party resides in Bexar County, and Plaintiff has alleged no other venue fact with which to establish venue in Hidalgo County.

##### **B. Venue proper in Bexar County.**

10. Because venue over this case is governed by Texas Civil Practice & Remedies Code section 15.002(a), this case should be transferred to Bexar County. Bexar County is the only county of proper venue because it is the county in which all or a substantial part of the events or omissions giving rise to the claim occurred. Tex. Civ. Prac. & Rem. Code §15.002(a)(1). As noted above, this is a motor vehicle accident that occurred in a Pilot Truck Stop in Bexar County, Texas.

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Hidalgo County District Clerks  
Reviewed By: Noel Cruz

CONCLUSION

20. Because Calvin Anderson is not a resident of Hidalgo County and because Dove Equipment, LLC is not a proper party, the case should be transferred to Bexar County since it is the location of the accident that is basis of this lawsuit.

PRAYER

21. For these reasons, Defendants ask the Court to set their motion to transfer venue for hearing and, after the hearing, grant defendant's motion and transfer this case to Bexar County.

Respectfully submitted,

SHELTON & VALADEZ, P.C.  
600 Navarro, Suite 500  
San Antonio, Texas 78205-1860  
(210) 349-0515 Telephone  
(210) 349-3666 Facsimile

By: /s/ Robert A. Valadez  
Robert A. Valadez, Attorney-in-Charge  
State Bar No. 20421845  
[rvaladez@shelton-valadez.com](mailto:rvaladez@shelton-valadez.com)  
David L. Jones  
State Bar No. 24002370  
[djones@shelton-valadez.com](mailto:djones@shelton-valadez.com)

ATTORNEYS FOR DEFENDANT  
CALVIN ANDERSON AND  
DOVE EQUIPMENT, LLC

Electronically Filed  
1/23/2017 10:28:52 AM  
Hidalgo County District Clerks  
Reviewed By: Noel Cruz

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing is being electronically filed and served in accordance with the TEXAS RULES OF CIVIL PROCEDURE 8 on the 23<sup>rd</sup> day of January, 2017, to counsel of record as follows:

Wayne Colodny  
Tom Rhodes Law Firm, P.C.  
126 Villita Street  
San Antonio, Texas 78205  
[wcolodny@tomrhodeslaw.com](mailto:wcolodny@tomrhodeslaw.com)

/s/ Robert A. Valadez  
Robert A. Valadez

RAV/DJ/vv  
#422664

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

Antonio Silot,  
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Civil Action No. \_\_\_\_\_

**ATTACHMENT 7**



Electronically Filed  
1/23/2017 10:39:15 AM  
Hidalgo County District Clerks  
Reviewed By: Timothy Ramirez

CAUSE NO. C-5662-16-J

ANTONIO SILOT	§	IN THE DISTRICT COURT
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VS.	§	430 <sup>th</sup> JUDICIAL DISTRICT
	§	
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CALVIN ANDERSON and	§	
DOVE EQUIPMENT, LLC	§	HIDALGO COUNTY, TEXAS

**DEFENDANTS' ORIGINAL ANSWER**

**SUBJECT TO THEIR MOTION TO TRANSFER VENUE**

Calvin Anderson and Dove Equipment, LLC, Defendants in the above-styled and numbered cause, and file this Original Answer to Plaintiff's Original Petition subject to their motion to transfer venue.

**I.**  
**GENERAL DENIAL**

Subject to such stipulations and admissions as may hereinafter be made, Defendants asserts a general denial as authorized by Rule 92 of the TEXAS RULES OF CIVIL PROCEDURE, and respectfully requests that Plaintiff be required to prove the charges and allegations made against it by a preponderance of the evidence as required by the Constitution and laws of The State of Texas.

**II.**  
**PRAYER**

For the foregoing reasons, Defendants Calvin Anderson and Dove Equipment, LLC, prays that Plaintiff recover nothing, that the Court enter judgment that Defendants recovers all costs of court, and for all other relief that it may show itself to be entitled.

DATE 1-27-17  
A true copy I certify  
LAURA HINOJOSA  
District Clerk, Hidalgo County, Texas  
By [Signature] Deputy #17

Electronically Filed  
1/23/2017 10:39:15 AM  
Hidalgo County District Clerks  
Reviewed By: Timothy Ramirez

Respectfully submitted,

SHELTON & VALADEZ, P.C.  
600 Navarro, Suite 500  
San Antonio, Texas 78205-1860  
(210) 349-0515 Telephone  
(210) 349-3666 Facsimile

By: /s/ Robert A. Valadez  
Robert A. Valadez, Attorney-in-Charge  
State Bar No. 20421845  
[rvaladez@shelton-valadez.com](mailto:rvaladez@shelton-valadez.com)  
David L. Jones  
State Bar No. 24002370  
[djones@shelton-valadez.com](mailto:djones@shelton-valadez.com)

ATTORNEY FOR DEFENDANT  
CALVIN ANDERSON AND  
DOVE EQUIPMENT, LLC

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing is being electronically filed and served in accordance with the TEXAS RULES OF CIVIL PROCEDURE 8 on the 23<sup>rd</sup> day of January, 2017, to counsel of record as follows:

Wayne Colodny  
Tom Rhodes Law Firm, P.C.  
126 Villita Street  
San Antonio, Texas 78205  
[wcolodny@tomrhodeslaw.com](mailto:wcolodny@tomrhodeslaw.com)

/s/ Robert A. Valadez  
Robert A. Valadez

RAV/DJ/vv  
#422629

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

Antonio Silot,  
Plaintiff,

v.

Calvin Anderson and  
Dove Equipment, LLC,  
Defendants.

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Civil Action No. \_\_\_\_\_

**ATTACHMENT 8**

Electronically Filed  
1/23/2017 10:59:20 AM  
Hidalgo County District Clerks  
Reviewed By: Timothy Ramirez

CAUSE NO. C-5662-16-J

ANTONIO SILOT	§	IN THE DISTRICT COURT
	§	
	§	
VS.	§	430 <sup>th</sup> JUDICIAL DISTRICT
	§	
	§	
CALVIN ANDERSON and	§	
DOVE EQUIPMENT, LLC	§	HIDALGO COUNTY, TEXAS

**DEFENDANTS' JURY DEMAND**

**SUBJECT TO THEIR MOTION TO TRANSFER VENUE**

Subject to their Motion to Transfer Venue, Defendants' Calvin Anderson and Dove Equipment, LLC, tender the proper jury fee and respectfully demands a trial by jury.

Respectfully submitted,

SHELTON & VALADEZ, P.C.  
600 Navarro, Suite 500  
San Antonio, Texas 78205-1860  
(210) 349-0515 Telephone  
(210) 349-3666 Facsimile

By: /s/ Robert A. Valadez  
Robert A. Valadez, Attorney-in-Charge  
State Bar No. 20421845  
rvaladez@shelton-valadez.com  
David L. Jones  
State Bar No. 24002370  
djones@shelton-valadez.com

ATTORNEY FOR DEFENDANTS  
CALVIN ANDERSON AND  
DOVE EQUIPMENT, LLC

DATE 1/27/17  
A true copy I certify  
LAURA HINOJOSA  
District Clerk, Hidalgo County, Texas  
By [Signature] Deputy #17

Electronically Filed  
1/23/2017 10:59:20 AM  
Hidalgo County District Clerks  
Reviewed By: Timothy Ramirez

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing is being electronically filed and served in accordance with the TEXAS RULES OF CIVIL PROCEDURE 8 on the 23<sup>rd</sup> day of January, 2017, to counsel of record as follows:

Wayne Colodny  
Tom Rhodes Law Firm, P.C.  
126 Villita Street  
San Antonio, Texas 78205  
[wcolodny@tomrhodeslaw.com](mailto:wcolodny@tomrhodeslaw.com)

/s/ Robert A. Valadez  
Robert A. Valadez

RAV/DJ/vv  
#422628

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

Antonio Silot,  
Plaintiff,

v.

Calvin Anderson and  
Dove Equipment, LLC,  
Defendants.

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§  
§

Civil Action No. \_\_\_\_\_

**ATTACHMENT 9**

CAUSE NO. C-5662-16-J

ANTONIO SILOT	§	IN THE DISTRICT COURT
	§	
V.	§	430 <sup>TH</sup> JUDICIAL DISTRICT
	§	
CALVIN ANDERSON AND	§	
DOVE EQUIPMENT, LLC	§	HIDALGO COUNTY, TEXAS

**DEFENDANTS' FIRST AMENDED ANSWER<sup>1</sup>**

Calvin Anderson and Dove Equipment, LLC. ("Dove"). Defendants in the above-styled and numbered cause, file this First Amended Answer to Plaintiff's Original Petition subject to their motion to transfer venue and would respectfully show as follows:

**I. VERIFIED DENIAL**

Defendant Dove Equipment, LLC is not liable in the capacity in which it is sued in Plaintiff's Original Petition. Plaintiff has impermissibly attempted to name Dove as a party under the alternative theories that Dove was either the employer of Calvin Anderson or that Calvin Anderson was acting as an agent of Dove at the time of the incident giving rise to Plaintiff's claims.

Dove has never been the employer of Calvin Anderson and was not his employer on or about December 24, 2014.

Regarding the tractor-trailer at the heart of the above-styled case, Dove leased the vehicle to Calvin Anderson's employer, at which time Dove relinquished control of the vehicle. Calvin Anderson was not a party to the lease.

Dove has never had a lease agreement with Calvin Anderson and did not have such an agreement on or about December 24, 2014.

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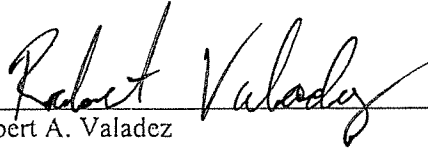
<sup>1</sup> Defendants' file this Amended Answer subject to their Motion to Transfer Venue. Defendants filed their Original Answer subject to their Motion to Transfer Venue and do not intend to waive their position stated therein.

Calvin Anderson has never been an agent of Dove, authorized or implied, for any general or specific purpose and was not an agent for Dove for any reason on or about December 24, 2014.

## II. GENERAL DENIAL

Subject to such stipulations and admission as may hereinafter be made, Defendants assert a general denial as authorized by Rule 92 of the Texas Rules of Civil Procedure and respectfully request that Plaintiff be required to prove the charged and allegations made against Defendants by a preponderance of the evidence as required by the Constitution and law of the State of Texas.

Respectfully submitted,



Robert A. Valadez  
State Bar No. 20421845  
SHELTON & VALADEZ, P.C.  
600 Navarro, Suite 500  
San Antonio, Texas 78205-1860  
Phone: (210) 349-0515  
Fax: (210) 349-3666  
[rvaladez@shelton-valadez.com](mailto:rvaladez@shelton-valadez.com)

ATTORNEY FOR DEFENDANTS  
CALVIN ANDERSON AND  
DOVE EQUIPMENT, LLC

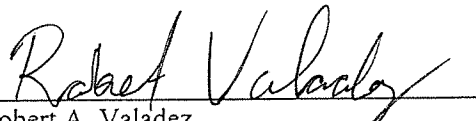


CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and forgoing is being electronically filed and served in accordance with the Texas Rules of Civil Procedure 8, 21, and 21a on the 30<sup>th</sup> day of January, 2017, to counsel of record as follows:

Wayne Colodny  
Tom Rhodes Law Firm, P.C.  
126 Villita Street  
San Antonio, Texas 78205  
[wcolodny@tomrhodeslas.com](mailto:wcolodny@tomrhodeslas.com)

ATTORNEY FOR PLAINTIFF

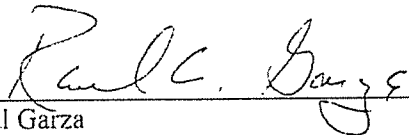
  
Robert A. Valadez

VERIFICATION OF RAUL GARZA

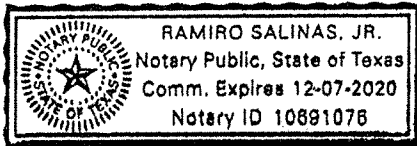
STATE OF TEXAS       §  
                                     §  
COUNTY OF HIDALGO §

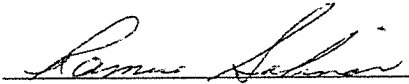
Before me, the undersigned notary, on this day personally appeared Raul Garza, whose identify is known to me, and after I administered an oath, testified as follows:

“My name is Raul Garza. I am capable of making this verification. I have read Defendants’ First Amended Answer and Verified Denial, and specifically Section I titled Verified Denial, and the facts stated therein are true and correct.”

  
\_\_\_\_\_  
Raul Garza

Sworn to and subscribed before me by Raul Garza on January 30, 2017



  
\_\_\_\_\_  
Notary Public, in and for the State of Texas

My commission expires: 12-07-2020